

Notice of Allowability

Application No.

10/519,204

Examiner

Jerry T. Rahl

Applicant(s)

CHANG ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment received 15 June 2006.
2. ☒ The allowed claim(s) is/are 1-12 and 14-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Michelle R. Connelly-Cushwa Jerry T Rahl
MICHELLE CONNELLY-CUSHWA
PRIMARY EXAMINER
9/5/06

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The application has been amended as follows.
3. Claim 15 is amended to read:
"The method recited in claim 14, wherein said modulation voltage is analog."
4. Claim 16 is amended to read:
"The method recited in claim 14, wherein said modulation voltage is digital."
5. Claim 17 is amended to read:
"The method recited in claim 14, wherein said step of guiding said optical wave includes direct coupling a single mode fiber optical wave into said waveguide."

Drawings

1. The drawings submitted June 15, 2006 have been reviewed and determined to facilitate understanding of the invention. The drawings are accepted as submitted.

Response to Arguments

2. Applicant's arguments, filed June 15, 2006, with respect to Claims 1 and 14 have been fully considered and are persuasive. The rejections of Claims 1, 8-12, and 14-17 have been withdrawn.
3. The Applicant correctly notes that the device of McCallion fails to describe an electro-absorptive material in the evanescent tail of the waveguide.

4. Regarding Applicant's argument that McCallion fails to describe a microwave waveguide, the Examiner notes that the waveguide of McCallion is specifically described as operating "up to microwave frequencies" (see Column 1 Line 64).

Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Claims 1-12 and 14-22 allowed.

7. Claims 1-12 and 19-21 describe electro-absorptive material in the evanescent region.

8. Claims 14-17 and 22 describe electro-absorptive material in the evanescent tail.

9. Claim 18 describes an optical confinement factor of the electro-absorptive material between 1%-5%.

10. U.S. Patent No. 5,892,857 to McCallion remains the closest prior art of record in this application. For the reasons stated above, however, Claims 1-12 and 14-22 herein are deemed to patentably distinguish over McCallion and all other prior art of record.

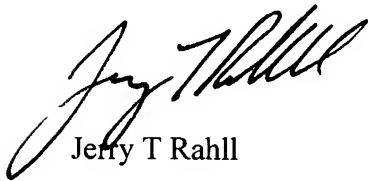
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T. Rahll whose telephone number is (571) 272-2356. The examiner can normally be reached on M-Th (8:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jerry T Rahll


MICHELLE CONNELLY-CUSHMAN
PRIMARY EXAMINER

9/5/06